

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LAUREN M. COLLINS.,

Plaintiff,

v.

JIAN XIONG XUE, et al.,

Defendants.

CASE NO. C14-522 RAJ

ORDER TO SHOW CAUSE

This matter comes before the court *sua sponte*. On March 24, 2014, pro se plaintiff filed this case against defendants Jian Xiong Xue and Seattle Housing Authority. Plaintiff makes essentially the same allegations as her prior case against the same defendants. *Compare* Dkt. # 4 (Compl.) *with* Case No. C13-1732RSL, Dkt. ## 4, 16 at 7-11. The Honorable Robert S. Lasnik dismissed plaintiff's prior case for lack of subject matter jurisdiction and failure to allege facts giving rise to a plausible cause of action arising under federal law. Case No. C13-1732RSL, Dkt. # 17.

Here, plaintiff alleges the same state law claims of libel and defamation, as well as negligence, against her landlord and the Seattle Housing Authority. However, she does not plead any facts that would indicate that jurisdiction is proper based on diversity of citizenship.

1 Plaintiff also states that there has been “[d]iscrimination against [her] due to
2 medical history, libel, medical conditions[,] disability [and] physical appearance.” Dkt. #
3 4 at 2. Even if the court assumed that plaintiff intended to allege discrimination under
4 federal law, she has not alleged any facts that tie the alleged discrimination to her medical
5 condition or disability. Accordingly, plaintiff has not alleged facts that give rise to a
6 plausible cause of action arising under federal law. *See U.S. v. Orr Water Ditch Co.*, 600
7 F.3d 1152, 1157 (9th Cir. 2010) (party asserting jurisdiction has burden of establishing
8 jurisdictional facts); Fed. R. Civ. Proc. 12(h)(3) (“If the court determines at any time that
9 it lacks subject-matter jurisdiction, the court must dismiss the action”).

10 Accordingly, having reviewed the record as a whole under the standards
11 articulated in 28 U.S.C. § 1915(e)(2) and having construed the allegations of the
12 complaint liberally (*see Berhardt v. Los Angeles County*, 339 F.3d 920, 925 (9th Cir.
13 2003)), the court finds that plaintiff has not alleged facts sufficient (1) to demonstrate that
14 this court has jurisdiction based on diversity of citizenship or (2) to give rise to a
15 plausible cause of action cognizable under federal law.

16 For all the foregoing reasons, the court ORDERS plaintiff to SHOW CAUSE why
17 the complaint should not be dismissed for lack of subject matter jurisdiction. Plaintiff
18 shall, within thirty (30) days of this order, file an amended complaint which establishes
19 this court’s jurisdiction. Such a complaint would either (a) allege a cause of action based
20 on violation of federal law, or (b) show that the parties are diverse (i.e., that the parties
21 are residents of different states) and that plaintiff is entitled to recover at least \$75,000.
22 *See* 28 U.S.C § 1332(a)(1)-(4). If an acceptable amended complaint is not filed within
23 the time proscribed, this action will be dismissed without prejudice.

24 The Clerk is DIRECTED to note this Order to Show Cause on the Court’s
25 Calendar for May 16, 2014.

1 Dated this 15th day of April, 2014.

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5 The Honorable Richard A. Jones
6 United States District Judge
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